IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 127 OF 2006
IN
NOTICE OF MOTION NO. 829 OF 2004
IN
SUIT NO. 497 OF 2004

1. Madhukar Chatrabhuj Ashar & ors.] .. Appellants (Ori.Def.3,4 & 5)

Versus

1. Kamal Bharilal Wadhwa & anr.] .. Respondents (Ori.Plaintiff & Defendant No.1)

Mr. Snehal Shah i/b Amit Shroff for the appellants.

Mr. Pravin Samdani, senior counsel with K.D. Shah for the respondent No.1.

CORAM: R.M. LODHA &
ANOOP V. MOHTA, JJ.

DATED: 02ND MARCH, 2006

P.C. :

. After having heard Mr. Snehal Shah, the learned counsel for the appellants and Mr. Pravin Samdani, the learned senior counsel for the respondent No.1, we are satisfied that in the peculiar facts and circumstances of the case, the appointment of Court Receiver may not be interfered with. However, the Court Receiver shall appoint the present appellants (original defendants No.3, 4 and 5) collectively as his agent

without royalty and security, save and except that the agent shall be liable to pay maintenance and outgoings of the said flat regularly.

2. With the aforesaid modification, the Appeal is disposed of.

3. If plaintiff applies to the learned trial Judge for expeditious hearing of the suit, the learned trial Judge shall take into consideration the fact that the plaintiff is senior citizen and pass appropriate order accordingly.

Sd/-
[R.M. LODHA, J.]

Sd/-
[ANOOP V. MOHTA, J.]